

# House Study Bill 541 - Introduced

HOUSE FILE \_\_\_\_\_

BY (PROPOSED COMMITTEE ON  
STATE GOVERNMENT BILL BY  
CHAIRPERSON VANDER LINDEN)

## A BILL FOR

1 An Act relating to school corporations by changing the date  
2 of the election of directors of local school districts,  
3 merged areas, and area education agency boards and including  
4 applicability and transition provisions.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

ELECTION DAY FOR REGULAR SCHOOL ELECTIONS

Section 1. Section 39.2, subsection 4, paragraph c, Code 2016, is amended to read as follows:

c. For a school district or merged area, in the odd-numbered year, the first Tuesday in February, the first Tuesday in April, the last Tuesday in June, or the second Tuesday in September. For a school district or merged area, in the even-numbered year, the first Tuesday in February, the first Tuesday in April, the ~~second~~ first Tuesday after the first Monday in September ~~November~~, or the first Tuesday in December.

Sec. 2. Section 260C.12, subsection 1, Code 2016, is amended to read as follows:

1. The board of directors of the merged area shall organize at the first regular meeting in ~~October~~ December following the regular school election. Organization of the board shall be effected by the election of a president and other officers from the board membership as board members determine. The board of directors shall appoint a secretary and a treasurer who shall each give bond as prescribed in [section 291.2](#) and who shall each receive the salary determined by the board. The secretary and treasurer shall perform duties under [chapter 291](#) and additional duties the board of directors deems necessary. However, the board may appoint one person to serve as the secretary and treasurer. If one person serves as the secretary and treasurer, only one bond is necessary for that person. The frequency of meetings other than organizational meetings shall be as determined by the board of directors but the president or a majority of the members may call a special meeting at any time.

Sec. 3. Section 260C.13, subsection 1, Code 2016, is amended to read as follows:

1. The board of a merged area may change the number of directors on the board and shall make corresponding changes in the boundaries of director districts. Changes shall be

1 completed not later than ~~June~~ August 1 of the year of the  
2 regular school election. As soon as possible after adoption  
3 of the boundary changes, notice of changes in the director  
4 district boundaries shall be submitted by the merged area to  
5 the county commissioner of elections in all counties included  
6 in whole or in part in the merged area.

7 Sec. 4. Section 273.8, subsection 2, paragraphs a and b,  
8 Code 2016, are amended to read as follows:

9 a. Notice of the election shall be published by the area  
10 education agency administrator not later than ~~July~~ September 15  
11 of the odd-numbered year in at least one newspaper of general  
12 circulation in the director district. The cost of publication  
13 shall be paid by the area education agency.

14 b. A candidate for election to the area education agency  
15 board shall file a statement of candidacy with the area  
16 education agency secretary not later than ~~August~~ October 15 of  
17 the odd-numbered year, on forms prescribed by the department  
18 of education. The statement of candidacy shall include the  
19 candidate's name, address, and school district. The list of  
20 candidates shall be sent by the secretary of the area education  
21 agency in ballot form by certified mail to the presidents of  
22 the boards of directors of all school districts within the  
23 director district not later than ~~September~~ November 1. In  
24 order for the ballot to be counted, the ballot must be received  
25 in the secretary's office by the end of the normal business  
26 day on ~~September~~ November 30 or be clearly postmarked by an  
27 officially authorized postal service not later than ~~September~~  
28 November 29 and received by the secretary not later than noon  
29 on the first Monday following ~~September~~ November 30.

30 Sec. 5. Section 273.8, subsection 4, paragraph a, Code 2016,  
31 is amended to read as follows:

32 a. The board of directors of each area education agency  
33 shall meet and organize at the first regular meeting in ~~October~~  
34 December following the regular school election at a suitable  
35 place designated by the president. Directors whose terms

1 commence at the organizational meeting shall qualify by taking  
2 the oath of office required by [section 277.28](#) at or before the  
3 organizational meeting.

4 Sec. 6. Section 273.8, subsection 6, Code 2016, is amended  
5 to read as follows:

6 6. *Change in directors.* The board of an area education  
7 agency may change the number of directors on the board and  
8 shall make corresponding changes in the boundaries of director  
9 districts. Changes shall be completed not later than ~~July~~  
10 September 1 of ~~a fiscal~~ the odd-numbered year for the director  
11 district conventions to be held the following ~~September~~  
12 November.

13 Sec. 7. Section 277.1, Code 2016, is amended to read as  
14 follows:

15 **277.1 Regular election.**

16 The regular election shall be held biennially on the ~~second~~  
17 first Tuesday after the first Monday in ~~September~~ November of  
18 each odd-numbered year in each school district for the election  
19 of officers of the district and merged area and for the purpose  
20 of submitting to the voters any matter authorized by law.

21 Sec. 8. Section 277.20, Code 2016, is amended to read as  
22 follows:

23 **277.20 Canvassing returns.**

24 1. ~~On the next Friday after~~ After the regular school  
25 election, the county board of supervisors shall canvass the  
26 returns made to the county commissioner of elections from  
27 the several precinct polling places and the absentee ballot  
28 counting board, ascertain the result of the voting with regard  
29 to every matter voted upon and cause a record to be made  
30 thereof, all as required by [section 50.24](#). Special elections  
31 held in school districts shall be canvassed at the time and in  
32 the manner required by that section. The board shall declare  
33 the results of the voting for members of boards of directors of  
34 school corporations nominated pursuant to [section 277.4](#), and  
35 the commissioner shall at once issue a certificate of election

1 to each person declared elected. The board shall also declare  
2 the results of the voting on any public question submitted to  
3 the voters of a single school district, and the commissioner  
4 shall certify the result as required by [section 50.27](#).

5 2. The abstracts of the votes cast for members of the board  
6 of directors of any merged area, and of the votes cast on any  
7 public question submitted to the voters of any merged area,  
8 shall be promptly certified by the commissioner to the county  
9 commissioner of elections who is responsible under [section 47.2](#)  
10 for conducting the elections held for that merged area.

11 Sec. 9. APPLICABILITY.

12 1. This division of this Act applies to regular school  
13 elections held on or after November 7, 2017, and to the terms  
14 of office of directors of local school districts, merged areas,  
15 and area education agencies commencing on or after that date.

16 2. Under this division of this Act, the regular school  
17 elections previously scheduled to be held in September  
18 2017 shall be held in November 2017, and all such elections  
19 previously scheduled to be held in September 2019 shall be held  
20 in November 2019.

21 DIVISION II

22 TRANSITION PROVISIONS

23 Sec. 10. TERM OF OFFICE — TRANSITION PROVISIONS.

24 1. Notwithstanding the provisions of section 260C.11  
25 designating a term of four years for members of a board of  
26 directors of a merged area, the term of office for a seat on a  
27 board of directors filled at the regular school election held  
28 on:

29 a. September 10, 2013, shall expire November 7, 2017.

30 b. September 8, 2015, shall expire November 5, 2019.

31 2. Notwithstanding the provisions of section 273.8,  
32 subsection 1, designating a term of four years for members of  
33 a board of directors of an area education agency, the term of  
34 office for a seat on a board of directors filled by election  
35 in:

1 a. September 2013 shall expire November 30, 2017.

2 b. September 2015 shall expire November 30, 2019.

3 3. Notwithstanding the provisions of section 274.7  
4 designating a term of four years for members of a board of  
5 directors of a school district, the term of office for a seat  
6 on a board of directors filled at the regular school election  
7 held on:

8 a. September 10, 2013, shall expire November 7, 2017.

9 b. September 8, 2015, shall expire November 5, 2019.

10 EXPLANATION

11 The inclusion of this explanation does not constitute agreement with  
12 the explanation's substance by the members of the general assembly.

13 This bill changes the date of regular school elections  
14 for local school districts, merged areas, and area education  
15 agencies. Division I of the bill moves the date of the regular  
16 school election from the second Tuesday in September in  
17 odd-numbered years to the first Tuesday after the first Monday  
18 in November of odd-numbered years, which is also the date of  
19 the regular city election.

20 Because area education agency board directors are elected at  
21 the director district conventions by members of school boards,  
22 the division also changes the date of their election from  
23 September to November.

24 The division applies to regular school elections held on or  
25 after November 7, 2017. Under the bill, the regular school  
26 elections previously scheduled to be held in September 2017  
27 shall be held in November 2017 and those elections previously  
28 scheduled to be held in September 2019 shall be held in  
29 November 2019.

30 Division II of the bill includes transition provisions  
31 related to the current terms of office for seats on boards  
32 of directors for school districts, merged areas, and area  
33 education agencies.